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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

In the Matter of )

Interconnection and Resale Obligations )  
Pertaining to )  
Commercial Mobile Radio Services )

CC Docket No. 94-54

To: The Commission

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**NEXTEL COMMUNICATIONS INC.  
REPLY TO OPPOSITION OF SOUTHERN COMPANY AND AT&T WIRELESS**

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**I. INTRODUCTION**

Pursuant to Section 1.429(g) of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits this Reply to the Oppositions of Southern Company ("SoCo") and AT&T Wireless ("AT&T") filed in response to Nextel's Petition for Reconsideration ("Petition") of the Commission's decision to impose manual roaming obligations on certain Specialized Mobile Radio ("SMR") providers.<sup>1/</sup>

Nextel sought reconsideration of the Commission's decision due to technical hurdles, complexities and system modifications required in permitting a non-Nextel iDEN subscriber to use the Nextel system. These technical considerations would not only increase the administrative and technical complexities of Nextel's system, but would also degrade service to Nextel's subscribers -- a result contrary to the public interest objectives of manual roaming. For these reasons, Nextel submits this Reply to the

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<sup>1/</sup> Second Report and Order and Third Notice of Proposed Rule Making, 11 FCC Rcd 9462 (1996).

Oppositions of SoCo and AT&T, and respectfully requests that the Commission reconsider its imposition of manual roaming obligations on "covered SMR" carriers.

## II. DISCUSSION

### A. SoCo Provided No Evidence That Manual Roaming Is Feasible On Nextel's System

SoCo claims that the technical problems raised in Nextel's Petition, i.e., lack of consistent control channels among SMR providers and inability to register non-affiliated SMR users, are not insurmountable and should not be allowed to prevent manual roaming on Nextel's system.<sup>2/</sup> SoCo's Opposition, however, offers no technical solutions to overcome these obstacles. It ignores the fact that developing technical solutions to implement manual roaming would require system modifications which are not required by the Commission's Order.<sup>3/</sup>

#### 1. Control Channels

SoCo claims that it is "not impossible for SMR carriers to program their system to have some overlap of control channels. . ."<sup>4/</sup> While it is "not impossible," programming overlapping control channels involves certain obstacles. First, an SMR operator's control channels are confidential to that carrier. Nextel carefully planned, engineered and programmed its nationwide

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<sup>2/</sup> SoCo Opposition at p. 3.

<sup>3/</sup> Order at para. 13. ("The rule does not require licensees to modify their system in order to provide service to any end user.")

<sup>4/</sup> *Id.*

network to provide for consistent control channels throughout each of its regional systems. These control channels are specific to Nextel's system design and constitute proprietary corporate information the disclosure of which could have competitive implications. Any control channel overlap between SMR carriers is merely incidental and cannot be relied upon for manual roaming throughout the U.S.

Second, adding competitors' control channels to its system would degrade Nextel's service to its own customers. Nextel's subscriber unit's "boot up" time would be significantly slowed as the unit scans the control channels not only of Nextel but also its competitors -- perhaps hundreds of channels. In fact, taking SoCo's position to the logical extreme, it is "not impossible" to program all 430 800 MHz SMR channels as control channels, but the resulting extended "boot up" time of the subscriber unit would place SMR carriers at a significant competitive disadvantage vis-a-vis other Commercial Mobile Radio Service ("CMRS") providers.

SoCo is asking that Nextel program as control channels those for which it has no Commission authority in some parts of the country, i.e., SoCo may be using Channel 105 as a control channel but Nextel may not even be licensed on Channel 105 in many markets. This results from the fact that "covered SMR" systems are still licensed on a channel-by-channel, station-by-station basis rather than on a block of specific contiguous channels. If Nextel is not authorized to provide service on a particular 800 MHz SMR channel, it cannot add it to its system to enable SoCo's users to roam.

## 2. Customer Registration

As Nextel explained in its Petition, even if the SoCo roaming customer's mobile unit was programmed to scan overlapping control channels, Nextel's system would not recognize that customer because the mobile unit's identification would not be included in the Nextel system's database. Without some recognition of the user -- even the recognition that it may be a potential roamer -- the Nextel system cannot "talk" to the roamer and establish the manual roaming process. SoCo argues (1) that the SoCo roamer could arrange roaming with Nextel in advance and (2) that modification of Nextel's database to account for roaming customers is not a difficult or expensive task.<sup>5/</sup>

SoCo's Opposition fails for two reasons. First, requiring SoCo's customers to arrange in advance for roaming on Nextel's system does not provide the SoCo customer "manual roaming" as required by the Commission. In the Order, the Commission stated that manual roaming is the ability to establish the roaming relationship with an individual roamer "in the course of attempting to originate a call by giving a valid credit card number to the carrier providing service."<sup>6/</sup> If Nextel's system cannot recognize the SoCo user because its mobile unit's identification is not in Nextel's database, the SoCo user cannot establish any contact with the Nextel system, cannot attempt to originate a call, and cannot contact any Nextel personnel to deliver a credit card number. SoCo

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<sup>5/</sup> *Id.* at p. 5.

<sup>6/</sup> *Id.* at para. 5.

offers no solution that permits manual roaming consistent with the Order.

Enabling Nextel's databases to account for the identification of roaming users, moreover, would require significant modifications to Nextel's Mobile Switching Centers and Home Location Register databases. Contrary to SoCo's unsubstantiated claims, these modifications would be costly and time-consuming as they would implicate Nextel mobile switch centers throughout the country. The Order specifically exempts carriers from manual roaming compliance if it requires otherwise unneeded system modifications.<sup>7/</sup>

As Nextel pointed out in its Opposition, these costs primarily would be borne by Nextel's customers rather than the parties who would benefit from the manual roaming obligations. Therefore, should the Commission nonetheless conclude that Nextel must modify its system -- despite the Order's express conclusion that the manual roaming requirement does not "require licensees to modify their systems" -- Nextel submits that the cost of these modifications should be borne by the roaming customers. Nextel's customers should not bear the cost of permitting others to roam on the system.

### **3. Nextel's In-System Nationwide Roaming**

SoCo argues that because Nextel can provide roaming for its own customers on its own systems, it cannot deny that it has the ability to provide roaming to non-Nextel roamers.<sup>8/</sup> SoCo is

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<sup>7/</sup> Order at para. 13.

<sup>8/</sup> SoCo Opposition at p. 6.

misinformed. Nextel's own customers have mobile units that operate on the control channels specifically chosen to support Nextel's nationwide digital SMR network. Nextel's customers have mobile unit identification numbers that are programmed into Nextel's databases and are thereby affiliated with the Nextel system and recognized by Nextel's switches.

Nextel carefully designed -- at substantial cost -- its digital wide-area SMR systems to enable its own customers to roam throughout Nextel's nationwide network. This is substantially different from modifying databases and switches to permit non-Nextel customers to use Nextel's network at any time in any market. Non-Nextel mobile subscribers are not registered in Nextel's database and are not using equipment that is designed for network-wide operations without significant system modifications. For these reasons, Nextel's inability to provide manual roaming to non-Nextel subscribers does not violate Sections 201 and 202 of the Communications Act.<sup>2/</sup>

**B. SoCo, As Evidenced By Its Opposition, Is Seeking Commission Endorsement Of A Business Strategy That Limits Competition**

SoCo's Opposition is a blatant expression of its strategy to construct a small regional iDEN SMR system yet provide its customers nationwide service by riding on the back of Nextel's

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<sup>2/</sup> Nextel subscribers and non-Nextel subscribers are not similarly situated customers for purposes of assessing whether this constitutes unreasonable discrimination under Section 202. In fact, non-Nextel subscribers are not Nextel's "customers" at all. Therefore, there is no unjust or unreasonable discrimination in Nextel's provision of nationwide service to its own customers and Nextel's inability to permit other users to roam on its nationwide system.

billion dollar investment in enhanced wide-area wireless communications. Nextel is investing billions of dollars to construct an extensive near-nationwide iDEN system that, by the end of 1997, should cover 85% of the population of the U.S. In the meantime, SoCo is sitting back, representing to the Commission that it is developing a regional system, primarily directed at serving utilities' needs with excess capacity, investing little to no additional money in facilities and networks, and awaiting the completion of Nextel's buildout so it can market a nationwide wide-area SMR unit that competes with not only Nextel, but also cellular and Personal Communications Services ("PCS").

In addition, SoCo is attempting to impose this additional obligation on Nextel at a time when Nextel's systems are significantly capacity constrained and finely balanced between serving new digital customers and pre-existing traditional analog customers. As the Commission is well aware,<sup>10/</sup> Nextel is in the process of transitioning its analog systems to its new digital iDEN service. In the process, capacity is limited, and customers are required to migrate from their traditional analog service to Nextel's digital services or other analog services. This is a carefully managed process which requires significant control over the use of Nextel's transmission capacity and network resources.

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<sup>10/</sup> See Attachment 1. These letters from the Commission's Enforcement Division recognize Nextel's struggle to fairly and efficiently meet the communications needs of analog customers when Nextel transitions analog channels to digital, and uphold Nextel's actions in moving these analog customers as Nextel's technology changes.



To permit SoCo customers to suddenly appear on Nextel's systems in any market in the U.S. could disrupt this migration process, create severe capacity constraints, and leave all customers -- both Nextel's and the SoCo roamers -- with interrupted service.<sup>11/</sup>

C. AT&T's Opposition Is An Ill-Disguised Attempt To Destroy The Traditional Dispatch Communications Marketplace

Although digital wide-area SMR services have altered the dispatch communications landscape in the U.S., there continues to be consumer demand for traditional analog dispatch communications services. If the Commission follow AT&T's Opposition, however, this traditional analog service could be forced to close its doors due to the heavy -- and unreasonable -- hand of the government. Manual roaming is nonsensical on a traditional SMR system, i.e., one that offers, as the Commission describes it, "mainly dispatch services to specialized customers in a non-cellular configuration."<sup>12/</sup>

These systems are typically limited to 5, 10 or 20 channels, they operate from a single tower, and users communicate through radio dispatch "push-to-talk" capability. A system in Alexandria, Virginia, for example, may operate on five particular 800 MHz SMR channels. One of the system's users cannot expect to "roam" on a dispatch system in Fredrick, Maryland simply because they both use 800 MHz SMR equipment. The Fredrick, Maryland dispatch operator

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<sup>11/</sup> Nextel is implementing Motorola's 3:1 iDEN technology throughout its digital network, resulting in a limited amount of spectrum that will be available for its and SoCo's 6:1 iDEN customers.

<sup>12/</sup> Order at para. 14.

likely operates on five or 10 different channels than the Alexandria system. It may operate on a different format as well since the leading analog SMR equipment vendors offer incompatible systems. Thus, the "roamer" in Fredrick would have no way of reaching its dispatcher/base station in Alexandria since the two stand-alone SMR systems may not be capable of communicating with each other. AT&T's attempt to forcing these operators to upgrade their systems to allow such "roaming" would put them out of business. Regulatory parity does not, as AT&T appears to believe, require identical regulation. Rather, it requires reasonable regulation.

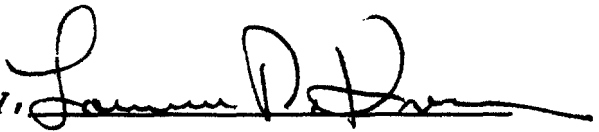
### III. CONCLUSION

Manual roaming cannot be achieved on Nextel's system without significant and costly system modifications and the relinquishment of certain proprietary information about Nextel's control channels. SoCo failed in its Opposition to refute Nextel's position and merely highlighted its own plan to ride Nextel's billion dollar investment in a national network. AT&T, moreover, presented the Commission with nothing more than an ill-designed attempt to do away with the traditional dispatch market through nonsensical application of the roaming requirement.

For these reasons, Nextel respectfully requests that the Commission reconsider its decision to impose a manual roaming requirement on any "covered SMR" systems.

Respectfully submitted,

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Dated: February 24, 1997

## **CERTIFICATE OF SERVICE**

I, Rochelle L. Pearson, hereby certify that on this 24th day of February 1997, caused a copy of the attached Reply to Opposition of Nextel Communications, Inc. to be served by first-class mail, postage prepaid to the following:

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